



**CONSTITUTION & BY-LAWS**

**of**

**J & K  
SAMAJ KALYAN KENDRA  
JAMMU (Regd.)**

**(SOCIETY AND ITS DONATIONS ARE EXEMPTED FROM INCOME TAX)**

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# J&K Samaj Kalayan Kendra Jammu

## Constitution & By-Laws

### CONSTITUTION:

**Name :** The name of the Society shall be J & K Samaj Kalayan Kendra, Jammu.

**Registered Office :** The office of the Society shall be situated at Jammu.

**Objects :** The Society shall be non-Governmental, non - political, non-sectarian, non- commercial, social, voluntary and chari-table Organisation which has been set up for the welfare of the needy people irrespective of caste, sect, creed, sex and age.

1. With this general welfare of the poor and needy in view, the Society may set up Homes for:

- (a) Deaf and dumb
- (b) Beggars
- (c) Destitute women
- (d) Delinquent Juveniles

2. To look after the needs and comforts of the inmates of the Homes set up by the Society; including provision of food, shelter and clothing,



- medical aid and other amenities to the inmates.
3. To organise meetings, seminars and symposia to pro-mote better understanding of the problems of the inmates of the Homes and others of the same cate-gory though not admitted as inmates.
  4. To run day centres for non-residents to enable them to participate in the activities of the Homes set up by the Society.
  5. To grant financial assistance to all classes of needy people, direct or through other societies, trusts and institutions, which are engaged in providing facilities/aid to the class of people which the society in-tends to serve.
  6. To grant loans, scholarships, rewards and such other financial assistance to the students belonging to poorer sections of the society with a view to enable them to execute their studies.
  7. To set up dispensaries/other institutions with a view to render medical facilities to the needy people or to render assistance in this behalf, otherwise.
  8. To set up model educational and other institutions or otherwise to impart education, having emphasis on moral and cultural aspects to the students as also to inculcate the spirit of discipline, civic sense, national character and self confidence amongst the students and others.
  9. To promote raising of funds for the activities of the Society and to raise donations from public, subscriptions from members, grants from Govt. and autonomous bodies, institutions, societies, trusts and others.
  10. To borrow money from banks and other financing institutions on such terms and conditions as may be decided by the Governing



Body from time to time.

11. To purchase, take on hire, accept as gift or otherwise acquire any land or building which may be necessary or convenient for the purpose of the Society and to sell, hire out or otherwise dispose off the properties and assets of the Society.
12. To open and operate upon Bank accounts and to draw, accept, make and endorse cheques, promissory notes, bills and other negotiable instruments for the purposes of the Society.
13. To invest money of the Society not immediately req-ured upon such securities and in such manner as may be determined from time to time by the Go-verning Body.
14. To remunerate any person, body or company for services rendered to the Society.
15. To execute such agreement, conveyance, losses/mortgages and any other documents as may be necessary to carry out the objects of the Society.
16. To do within the framework of the objects, all such other things as may be directly or indirectly condu-cive or incidental to carrying out of the attainment or enlargement of the aforesaid objects or any of them.
17. The income and property of the Society shall be placed solely towards the promotion of the objects of the Society as set out in the Constitution and no portion thereof shall be paid or transferred directly to any one by way of dividends.
18. If the Society ceases to function for whatever reason, the assets and property of the Society shall revert to such other society/ Institution as the members of the Society may decide and in case there is no decision in this behalf, the assets and property of Society



shall revert to the Government.

We, the undersigned, are desirous of forming our-selves into a society under the Societies Registration Act, in pursuance of this Constitution:

S. No.1	Name with full address	Occupation	Signature
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## Samaj Kalayan Kendra /Jammu BY-LAWS

### MEMBERSHIP :

- Any Adult, irrespective of caste, creed, status, sex, religion or nationality who believes in the objects of the Society is eligible for membership of the Society.
- Members would be of the following categories :
  - PATRON :** Member donating Rs. 10,000/- in lumpsum or initially Rs.5000/- and the balance of Rs.5,000/- within a period of one year shall be designated as patron, provided the application of such person is recommended by at least one life-member and is approved by the Governing Body or a Committee constituted for the purpose by the President.
  - LIFE MEMBERS :** Persons donating Rs.2500/- in lumpsum shall be life-members, provided applications of such persons are processed by Committee as will be for the Patron.
  - MEMBER :** Any person may become a member by paying a fee of Rs.200/- per year or at such rates or rate as may



be prescribed by Governing Body from time to time, provided application of such person is processed in the way as is done for the patron.

- HONORARY MEMBER:** The Governing Body may confer honorary membership on any person for his/her exceptional experience and meritorio-us service to the causes for which this Society is being set up.
- INSTITUTIONAL MEMBERS:** Institutions engaged in allied or similar activities on payment of Rs. 100/- per year shall become institutional members.
- As a recognition of services rendered by Late Sh. S.C. Sharma, his wife or son, after taking consent, be given the life-membership. This could also be a practice in the times to follow.

### GENERAL BODY:

- The members of the categories specified in the By-Laws shall constitute the General Body of the Society.

### MANAGEMENT:

- The management of the Society shall vest in the Governing Body constituted as under and shall consist of such office bearers and members as may be fixed from time to time under the By-Laws.
- The Society will have a Governing Body consisting of not less than 7 and normally not more than 51 members including office bearers i.e. President, Senior Vice President., Vice-President, General Sec-retary, Secretary and Treasurer. However, increase in members is subject to the approval of the Governing Body.



6. If any vacancy occurs in the Governing Body due to death, resignation or other causes, such vacancy may be filled up by co-optation by the Governing Body from among members and Life Members eligible for election or by nomination by the bodies indicated above, as the case may be. The reduction in the number of the Governing Body in such cases shall not invalidate any act of this body.
7. The Governing body shall ordinarily meet at least once in three months, Such meetings shall require 7 days notice with agenda.
8. Special meetings of the Governing Body may be convened by the President on short notice and decisions taken in these shall be valid irrespective of conditions regarding quorum.
9. The President or, in his absence, the Sr. Vice President / Vice President shall convene a special meeting of the Governing Body on receipt of a requisition signed by at least  $\frac{1}{4}$ th members of the Governing Body, specifying the purpose for which the meeting shall be held within fifteen days after the receipt of such requisition by the General Secretary.
10. At every meeting of the Governing Body, the President, and in his absence the Sr. Vice President / Vice President shall preside. In case of absence of both, the members present shall elect one of them as a Chairman of that meeting.
11. Five members or 40% of the members of Governing Body (whichever is more) present in person, shall be the quorum for the meeting of the Governing Body and no business shall be transacted when there is no quorum.
12. If within 30 minutes of the time specified for a meeting of the Governing Body no quorum is formed, the meeting shall stand adjourned to the same day of the week and at the same time and



- place in the next week. The adjourned meeting can transact the business irrespective of quorum, but in such an adjourned meeting the business detailed in the original agenda only can be transacted.
13. All questions before the Governing Body shall be decided by majority votes, the Chairman of the meeting having a second or casting vote in case of tie.
14. The office bearers of the Governing Body shall be elected by the General Body. The members shall hold the office for three years.
15. The President will have the right to nominate all the members of the Governing Body.
16. The members to be nominated by the President shall be out of the members of the Society eligible for election and shall hold office till the life of the respective Governing Body.
17. The Governing Body shall exercise all powers of administration of the affairs of the Society and for that purpose it shall have all such powers and to do all such acts and things as may be exercised and done by the Society in furtherance of its objects and as are not expressly directed or required by law to be exercised by the Society in a General Meeting.
18. Without prejudice to the generality of the powers conferred under rule 13, the Governing Body will have powers:
- To purchase, take on lease, or otherwise acquire and alter any land or building.
  - To purchase or otherwise acquire furniture and other movable property.
  - To appoint the necessary staff for the office of the Society, to



- pay such remuneration as may, from time to time, be found necessary and to suspend, dismiss, or dispense with the services of any of them as may be found advisable and to define their duties and conditions of service.
- (d) To incur and pay all expenses necessary for carrying out the aims and objects of the Society.
- (e) To collect and receive subscriptions, donations, and endowments for purposes of the Society and to deposit money so collected in Banks, and invest the surplus funds of the Society in such securities as may be deemed safe and desirable.
- (f) To operate Bank accounts, to invest moneys not required for day to day work of the Society and to borrow money on such security as it deems fit.
- (g) To delegate, subject to such conditions as they think fit, any of their powers to Sub-Committees, and to make, vary and repeal rules for regulation of the proceedings of Sub-Committees.
- (h) To appoint auditors for the ensuing year and fix the remuneration.
18. (i) The Governing Body shall be competent to frame rules and regulations regarding the appointment and service rules for all categories of staff of the schools and other projects of the Kendra.
19. The Governing Body shall prepare the annual Budget estimates of the Society and shall cause true and complete accounts of the financial transactions of the Society to be kept and shall cause such accounts to be balanced as on the 31st day of March every year and to place these for adoption by the General Body.



### DUTIES AND FUNCTIONS OF OFFICE BEARERS :

20. The President of the Society shall be the chair-man of every meeting of General Body, Governing Body or Committees; wherever he is present. He shall guide and control the working of the Society and shall represent the Society in its affairs with others.
- 20 (a) The President shall exercise all powers to constitute such committees or sub-committees or evolve such mechanism to efficiently operate the various projects of the Kendra, and to formulate rules and regulations thereof. Such rules and regulations shall be subject to any other By-Laws on the subject.-
21. The President shall exercise such other powers as may be delegated to him by the Governing Body from time to time.
22. The Senior Vice President and the Vice President in the absence of the President, shall have powers and duties of the President.
23. The Senior Vice President and the Vice President may be delegated such other powers as may be considered fit by the Governing Body.
24. The General Secretary shall be the executive functionary of the Society and subject to the supervision and control of the Governing Body. He shall carry out the duties and policies laid down by the Governing Body. In particular, the General Secretary shall perform the following duties :-
- (a) He shall convene meetings, keep minutes of all proceedings of the meetings and conduct correspondence for and on behalf of the Society.
- (b) He shall prepare the Annual Report and to submit the same in the annual meeting of the General Body for approval of the Governing Body.



- (c) He shall exercise general supervision over the staff and shall be responsible for the discipline and general administration.
- (d) He shall be responsible for the safe custody of all property, documents, securities and other record of the Society.
- (e) He shall be responsible for duly carrying out the resolutions passed by the Governing Body.
- (f) He shall maintain the Register of members.
- (g) He shall act as the Secretary to every Committee of the Society and of every Sub-Committee, if he is a member of such Committee.

**SECRETARY:**

25. The Secretary shall perform such duties and functions of the General Secretary as may be delegated to him by the Governing Body. In the absence of the General Secretary, he shall perform the functions and duties of the General Secretary.

**TREASURER:**

26. The Treasurer shall be in charge of the funds and property of the Society and shall arrange for maintenance of true and complete accounts of its receipts and disbursements.
27. He shall be responsible for proper use and application of funds of the Society and will perform all other functions concerning the affairs of the Society as may be determined by the Governing Body.
28. The Treasurer shall ensure that the expenditure is incurred in accordance with the budget provisions and it shall be his duty to



present the annual accounts, duly audited, to the General Body.

**FINANCIAL POWERS :**

29. (a) All funds of the Society shall be deposited in a Scheduled Bank except rupees five hundred which may be retained by the Treasurer for meeting day to day and other contingent type of expenses.
- (b) The funds shall be operated for the purpose of withdrawals from the Bank under the joint signatures of the President or General Secretary and the Treasurer.
  - (c) The President shall have the power to approve the expenditure upto Rs.1000/- and General Secretary upto Rs.500/- only in respect of each scheme or project at a time where prior administrative approval of estimated expenditure has not been obtained from the Governing Body. Prior regulation of the previous expenditure by the Governing Body shall be a binding before further expenditure is affected by them.
  - (d) President could order approval of an expenditure on any requirements not included in existing work/scheme upto Rs.5000/- to be subsequently got formally approved by Governing Body.

**GENERAL MEETINGS OF THE MEMBERS:**

30. There shall be held an ordinary General Meeting of the Members of the Society which shall be called the Annual General Meeting within six months of the close of the financial year to transact the following business:-
- (a) To receive, consider and adopt the Annual Report of the Governing Body and the Audited Statements of the accounts.
  - (b) To elect members of the Governing Body on completion of the



term of the then existing Body.

(c) To transact any other business included by the Governing Body in the Agenda for such annual meeting.

31. Any member of the Society may give seven days notice prior to the date of Annual General Meeting of any business that he desires to be considered at such Annual General Meeting. The Governing Body may thereupon include for consideration of such business in that meeting.
32. Twenty one clear days previous notice shall be given by the Secretary to the members of the Society specifying the place, date and hour of the Annual General Meeting and details of the Business to be transacted at such meeting.
33. Special General Meetings of the Society may be convened by the Governing Body whenever they may consider it necessary to do so. At least, twenty one clear days previous notice of every such meeting shall be given.
34. The Governing Body shall convene a special General Meeting of the members within one month of the receipt of a written requisition signed by at least 10 members of the Society, or 1/3rd of the total members, whichever is more, for the consideration of the special business detailed in such requisition.
35. In case the Governing Body fails to convene special General Meeting as desired by the requisitionists within one month of delivery of such requisition, the requisitionists may themselves convene a meeting by giving 21 days notice to all members of the Society, at their registered addresses. Resolutions passed by three-fourth majority at such meeting shall be binding on the Society.
36. No business may be transacted at any General Meeting of the Society, whether ordinary or special, unless it has been included in the agenda for that meeting.



37. Ten members or 1/3rd of the total number of members, whichever may be more and are eligible to vote at meetings of the Society, shall form quorum for a General Meeting, whether ordinary or special.
38. If within 30 minutes of the time specified for a meeting of the General Body, no quorum is formed, the meeting shall stand adjourned to the same day of the week and at the same time and place in the next week. The adjourned meeting can transact the business irrespective of quorum, but in such an adjourned meeting the business detailed in the original agenda only can be transacted.
39. Every resolution submitted to a General Meeting of the Members, whether ordinary or special, shall be decided by a majority of votes. In case of equality of votes, the Chairman of the meeting will have a casting vote.
40. Voting by proxy will not be allowed. Only those who are members for six months or more and whose subscription is not in arrears shall have right to vote.
41. All notices required to be given to members shall be sent to them at their registered addresses by post or otherwise.
42. Taking of any decision by circulating the papers among the members of the Governing Body or other committees set up by the Governing Body shall be considered valid, in case it is absolutely necessary in the interest of the society and if delay caused by holding of regular meeting for the purpose is considered detrimental. However, majority of votes shall be required for carrying out the decision.
43. Getting consent of the office-bearers or members of the Governing Body by circulation shall be considered only in exceptional cases.

**ACCOUNTS & AUDIT:**

44. The accounting year of the Society shall be from April to 31st March. On the close of the accounting year, an Income and Expenditure account as also a statement of affairs shall be prepared.
45. The accounts of the Society shall be audited by Auditor who is qualified to act as required under the Companies Act.
46. The Auditors shall be appointed by the Governing Body.
47. The annual audited accounts shall be placed before the Annual General Meeting.

**AMENDMENT OF BY-LAWS :**

48. The General Body may amend these By-Laws as it may be considered fit, but no change, amendment or modification in these by-laws shall be valid unless the proposed change, amendment or modification is passed by a majority of the two third members present in the meeting.

**INDEMNITY :**

49. No person or persons in whom for the time being any funds or money or any other property movable or immovable of the Society be vested shall be answerable for any loss arising in the administration or application of the said funds or sums of money or for any damage to or deterioration in the said property unless such loss, damage or deterioration shall happen by or through his or their willful default or neglect.

**DISSOLUTION:**

50. If upon dissolution of the Society there shall remain, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Society or any one of them; but may be given or transferred to some other Associations, or Institution having similar aims or objects, determined by the votes of not less than three fourth of the members present or as may be determined by the Government.

**REMOVAL OF MEMBERS :**

51. The powers regarding removal, replacement, accepting of resignation etc, in respect of office bearers and members of the Governing Body shall be vested with the Governing Body which shall be advised by a Membership Screening Committee comprising of the President and the General Secretary and assisted by four members of the Governing Body.
52. The office bearers and members of the Governing Body who do not get themselves enrolled by paying membership fee as required under the Constitution or fail to attend 3 consecutive meetings without prior information in writing with valid reasons or such office-bearers and members who do not justify their status by not shouldering the responsibility and duties allotted, in general or specifically, shall cease to continue as such, after decision to this effect is taken by the Governing Body by simple majority vote in respect of office-bearers and by the President for the members and communicated to the defaulters giving due consideration to the explanation tendered, if any, by the charge-sheeted erring office-bearer or member.

Further, the Governing Body by majority vote and the President are competent to replace such elected office-bearer or member of Governing Body or member respectively by a suitable member who has been a life-member or an annual member of at least two years standing (continuously). Such exercise will, of course, be



preceded by providing due opportunity for explanation to the member/office bearer being removed.

Similarly the resignation tendered by any office-bearer or member of the Governing Body on health consideration, domestic grounds or any other valid reason shall be accepted or rejected by the Governing Body in respect of office-bearers by simple vote of majority and by the President in respect of members. Further, the Governing Body (by majority vote) and the President shall substitute such office-bearers and the members respectively with suitable persons if deemed necessary after obtaining written consent of the person, in question.

**ELECTION :**

53. The Election Commissioner shall be nominated by the Governing Body as also two other persons to assist him in conducting the general elections of the Society for ensuing tenure of the body.

The Election Commissioner shall draw out all the detailed procedures and schedules for holding the election and with the help of Governing Body shall make proper and timely arrangements for the same.

54. In the event of failure to hold the elections due to any unforeseen reasons, the existing office bear-ers shall continue to run the affairs of the Society for the interim period till regular election in completed.
55. In the event of the dissolution of the Society "J&K Samaj Kalyan Kendra, Jammu" or any change, whatsoever, which affects the legal status of the Society, the Society shall inform the Registrar of Societies of such dissolution or change.

